

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Z-Man Fishing Products, Inc. and
Holding One, Inc.

Plaintiff,

Vs.

Joseph F. Renosky and Renosky Lure, Inc.,

Defendants.

Civil Action No.: 2:10-CV-2171-CWH

AFFIDAVIT OF JOSEPH F. RENOSKY

The undersigned, being duly sworn, states:

1. My name is Joseph F. Renosky. I am over the age of eighteen (18) years, I have personal knowledge of the matters contained in this Affidavit, and I give this Affidavit voluntarily and free from coercion.

2. I am the owner and operator of Renosky Lure, Inc ("Renosky Lure").

3. I have been in the fishing lure business for over fifty (50) years. I have designed over two hundred fifty (250) different fishing lures and I have numerous patents issued that relate to fishing lures and fishing lure designs.

4. I have been a long-time supplier of fishing lure products to Wal-mart and my products have generally performed well at retail.

5. The Renosky Lure brand is recognized by customers and its logo is very distinct.

6. In March, 2006, I talked with Mr. Ron Davis, the developer of the Chatterbait product, about placing a blade on top of a stick bait. At that time, Mr. Davis advised me that for several years he had tried to do this but did not have success using the Chatterbait blade.

7. Soon after my discussion with Mr. Davis in March 2006, Plaintiffs purchased Mr. Davis' fishing lure business.

8. In July, 2007, I delivered to Mr. Davis, now an advisor for Plaintiffs, my blade design (the "Renosky blade") and my stick bait lure for him to test in order to give Plaintiffs the opportunity to decide whether Plaintiffs would endorse my Renosky blade and stick bait.

9. Plaintiffs decided to endorse my Renosky blade and stick bait under the name "Chatter Trickstick."

10. On August 7, 2007, Plaintiffs placed a first purchase order with CFetter Imports, an importer with manufacturing facilities in China, to produce a four (4) inch stick bait to be sold by Plaintiffs in a Christmas kit featuring the Chatter Trickstick with the Renosky blade.

11. On November 5, 2007, I filed a design patent application on the Renosky blade.

12. Plaintiffs continue marketing my stick bait product under the name Chatter Trickstick having the Renosky blade. In fact, Plaintiffs' 2011 Catalog includes the Chatter Trickstick line of products with the Renosky blade.

13. To be clear, the Renosky blade that Plaintiffs currently sell with the Chatter Trickstick is the identical blade sold with my J-Will Rocker lure referred to in Plaintiffs Complaint.

14. Renosky Lure and Plaintiffs combined, have sold well over 100,000 fishing lures having the Renosky blade. And, again, Plaintiffs continue selling lures with the Renosky blade.

15. The Plaintiffs' blade referred to in its Complaint is an irregular hexagon. It has six (6) sides, six (6) different lengths, and three (3) different inside angles.

16. There are at least ten (10) blades on the market that would fit in the die that punches Plaintiffs' blade. Those blades include Gambler (see attached Exhibit 1), Lil' Hustler (see attached Exhibit 2), Strike King Pure Poison (see attached Exhibit 3), Phenix Bait - Red-BL/flake (see attached Exhibit 4), Bobby D's (see attached Exhibit 5), D & M Payara Vibrating Jig (see attached Exhibit 6), Fishing Magician Voo-Doo (see attached Exhibit 7), Spro Shake & Bake (see attached Exhibit 8), Revenge Baits Vibrator (see attached Exhibit 9) and Eaker Shaker (see attached Exhibit 10).

17. The Renosky blade is an irregular hexagon with six (6) sides and four (4) different lengths.

18. The lengths and inside angles on the Renosky blade compared to Plaintiffs' blade are different. Attached as Exhibit 11 is a comparison of the dimensions of Plaintiffs' blade (Chatterblade) and the Renosky Lure's blade (Rockerblade).

19. As illustrated in Exhibit 11, the Renosky blade is fifteen percent (15%) smaller than the Plaintiffs' blade.

20. Also, the Renosky blade is different than Plaintiffs' blade in that the Renosky blade will make a stick bait work. As a result, I patented the shape of the Renosky blade. Again, Plaintiffs' blade will not work on stick bait, whereas the Renosky blade will.

21. I am familiar with the fishing lure described in Plaintiffs' U.S. Pat. No. 7,726,062, and I am well aware of its design flaws.

22. The Plaintiffs' fishing lure has a body with a wire loop fixed within and extending from the forward portion of the body.

23. In early 2010, I designed a fishing lure that includes a wire loop that is movable as it pivots or slides along the forward portion of the lure body.

24. The Renosky fishing lure design has a number of advantages over the Plaintiffs' design. One important advantage is that the Renosky design with the movable loop starts easier than the Plaintiffs' fixed loop design. When I say "starts easier" I mean in application the blade attached to my body design begins hitting the lure body sooner than does the blade on Plaintiffs' fixed loop design. An advantage to these type of lure designs is the noise caused by the blade tapping the body. The noise attracts the fish. Again, with my movable loop design, the tapping noise starts sooner which is an advantage.

25. Renosky Lure has been a supplier of fishing lure products to Wal-mart for over 25 years. Wal-mart is a large national big box retailer and the largest seller of fishing lures in the nation.

26. Prior to 2011, Renosky Lure was the distributor of Plaintiffs' Chatterbait products in Wal-mart. Plaintiffs were not the supplier to Wal-mart, Renosky Lure was the supplier and Plaintiffs were allocated space in the Wal-mart stores solely through its distributor, Renosky Lure.

27. Based upon information and belief, starting in 2011, Maurice Sporting Goods is the distributor of Plaintiffs' Chatterbait products in Wal-mart. Plaintiffs are not a supplier to Wal-mart, Maurice Sporting Goods is the supplier and Plaintiffs are

allocated space in the Wal-mart stores solely through its current distributor, Maurice Sporting Goods.

28. There have been years when I have supplied over 100 stock-keeping units, also referred to as pegs in Wal-mart stores.

29. In 2010, on thirty-nine (39) of the pegs supplied by Renosky Lure to Wal-mart, Renosky Lure merchandised Plaintiffs' Chatterbait products as a distributor for Plaintiffs. Renosky Lure also supplied over seventy (70) additional Wal-mart pegs with products manufactured by Renosky Lure.

30. In 2010, Jim Enneking, the sporting goods buyer for Wal-mart, advised me that Wal-mart had decided to remove Plaintiffs' Chatterbait products from seven (7) of the thirty-nine (39) pegs due to the poor sales or non performance of the Chatterbait line of fishing lures. The remaining thirty-two (32) pegs in Wal-mart remain supplied with Chatterbait products through Plaintiffs new distributor, Maurice Sporting Goods.

31. I did not encourage nor have any input in Wal-mart's decision to remove the Plaintiffs' Chatterbait products from the seven (7) pegs.

32. The Chatterbait line of fishing lures were not removed from the seven (7) pegs due to any actions of Renosky Lure. They were removed solely because the products were not performing according to standards of Wal-mart.

33. I am familiar with the Fishing Gear On Sale site referenced as Exhibit C in Plaintiff's Memorandum In Support Of Motion For Temporary Restraining Order. This page originated from the Bass Pro Catalog, 2007 Edition.

34. I recall that in 2007 I spoke with the buyer of Bass Pro, Ron Manrose, about this advertisement and the use of the Renosky name with Chatterbait. Mr.

Manrose advised me that he combined the names because at that time Renosky Lure was the distributor of record for the Chatterbait products.

35. Since 2007, to my knowledge neither Bass Pro or any other marketing source has combined the Renosky name with Chatterbait as shown in Plaintiffs' Exhibit C.

36. The granting of a temporary restraining order would be devastating to Renosky Lure's business.

37. If Renosky Lure were required to remove its products from Wal-mart, that would not only damage its long-time relationship with Wal-mart, but would leave Renosky Lure with over \$200,000.00 worth of product which Renosky Lure paid to have manufactured and which was allocated to Wal-mart.

FURHTER AFFIANT SAITH NOT.

Executed this 2 day of May, 2011.


Joseph F. Renosky

STATE OF PENNSYLVANIA)
COUNTY OF INDIANA) SS:

Before me, the undersigned, a Notary Public, residing in and for the aforesaid county and state, personally appeared the said JOSEPH F. RENOSKY who being first duly sworn upon his oath, did swear to the truth of the above and foregoing this 2nd day of MAY, 2011.

My Commission Expires:

APRIL 18 2015

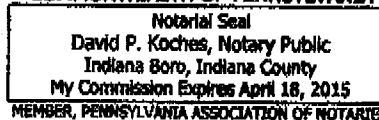

Signature of Notary Public

My County of Residence:

INDIANA

DAVID P. KOCHES
Printed Name of Notary Public

COMMONWEALTH OF PENNSYLVANIA





Mimic Minnow Shiner from Northland Fishing Tackle

Swim'n Grub from Northland Fishing Tackle



Jerk Shad from Northland Fishing Tackle



4" Ringworm from Northland Fishing Tackle



Thumper Jig from Northland Fishing Tackle

Northland Fishing Tackle

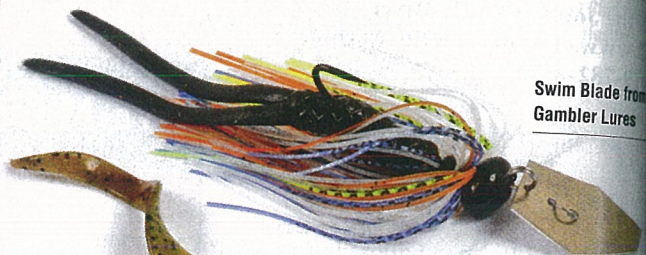
Northland is introducing several new lures in its popular Slurpies line of soft plastic baits: **Jerk Shad**, **Swim Shad**, **Swim'n Grubs**, **Shiner Tubes**, **4" Ringworm** and **Dip-Stick Worm**. Also new are the **Mimic Minnow Shiner** and **Mimic Minnow Shad**, as well as the **Thumper Jig**. ■ www.northlandtackle.com; 218-751-6723



Pitchin' Kraw from Roboworm

Roboworm

The 7 1/2-inch **RoboTail** worm has great swimming action and is ideal for enticing picky fish. It is available in nine colors, including **People's Worm**. The **Pitchin' Kraw** and **SourPuss** are both creature baits that differ only in the shape of their appendages. ■ www.roboworm.com; 877-GET-ROBO



Swim Blade from Gambler Lures

Loco Lizard from Gambler Lures



Creek Chub

The **Wooden Jointed Pike** (8 inches) and **Wooden Pike** (7 inches) are made for muskies, pike, stripers or other large predator fish. ■ www.creekchub.com; 479-782-8971



Wooden Pike from Creek Chub

Wooden Jointed Pike from Creek Chub

Gambler Lures

The **Swim Blade** is the company's answer to the Chatterbait. Also new are the 7-inch **Loco Lizard**, 4-inch **Tail Chaser** trailer and 8-inch **Flapp'n Tail** shad. ■ www.gambler-lures.com; 954-969-1772



Spinnerbait from Heavycover.com

Heavycover.com

With a Web site as innovative as its weedless **Spinnerbait** design, Heavycover.com allows you to build your own completely customized spinnerbait from the comfort of your desk chair. ■ www.heavycover.com



Spoon from Bitin' Titan

Bitin' Titan Lures

Bitin' Titan Spoons will now be available with a single red hook. ■ www.bitintitan.com

New Products

V-Crank Wake
from River2Sea

Crawlin' Croaker
from River2Sea

Hula Shad
from River2Sea

S-Waver from
River2Sea

River2Sea

Crawlin' Croaker, the newest lure in the croaker line, has a lip that allows the lure to wobble across the surface. Also new from the company: **Crystal Buzz** buzzbait; **S-Waver**, a swimbait; the **Hula Shad** spinnerbait; and the **V-Crank**, **V-Crank Wake** and **V-Joint Minnow** hard baits.

■ www.river2seausa.com; 510-237-2405



Magnum Zara Spook
from Heddon

Heddon

Magnum Zara Spook (7 inches) and **Super Magnum Zara Spook** (8 inches) are wooden topwater baits for anglers who pursue everything from muskie to peacock bass.
■ www.heddonlures.com; 479-782-8971

Conquistador Tackle

The **Shaky Worm** is a hand-poured, shaky finesse worm available in 16 colors and designed for drop shooting with Conquistador's **Shaky Head** jig. ■ www.conquistadortackle.com; 602-867-5051



Chit Chat
Lil' Hustler

Lil' Hustler

Designed for fishing in and around cover, the **Chit Chat** swimming jig is available in eight colors.

■ www.lilhustler.com; 603-224-8856

Rapala

Joining the Rapala family are the **Minnow Rap**, a Shad Rap action in a minnow profile; **X-Rap Deep 10**, a deep-diving addition to the successful X-Rap series; and **X-Rap 12**, the largest in the line. New colors are also available, including a "bleeding" series in the classic Rapala baits. Also new are the **X-Rap Wall 13**, **X-Rap Magnum**, 03 size DT (Dives-To) Flat Series and D Flat SureSet Series. ■ www.rapala.com; 952-933-7060



X-Rap Magnum
from Rapala

X-Rap Walk 13
from Rapala

X-Rap Deep
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X-Rap 12
from Rapala

Minnow Rap
from Rapala



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by [Strike King](#)

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Price: **\$3.79 - \$10.39**

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Color: **Texas Craw**



Size:

0.25-Ounce | 0.375-Ounce | 0.5-Ounce

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Strike King Bleeding Bait Mini-King Spinnerbait by Strike King

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Strike King Bleeding Spinnerbait - Willow / Willow by Strike King

\$4.67 - \$9.83

Strike King Denny Brauer's Premier Pro-Model J... by Strike King

\$3.15 - \$7.22

Strike King Red Eye Shad Bait by Strike King

\$4.08 - \$10.88

Product Features

- It's a jig, it's a spinnerbait, it's a Extreme Action Swimming Jig!
- This new lure has a unique head design, blade and harness that produce incredible action and vibration.
- The Perfect Skirt with Magic Tails gives enhanced action compared to regular skirts and the colors match the head.
- A long shank premium hook ensures great hook-ups.
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www.HookProShop.com

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00937, PHENIX BAIT CO. RED-BL/FLAKE 3/8 OZ.



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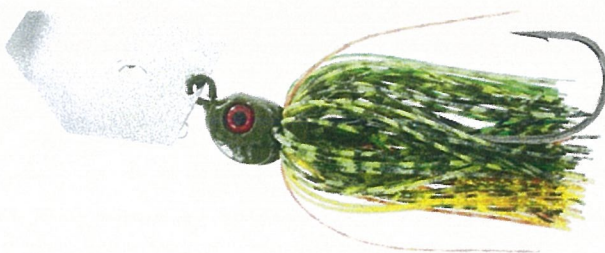
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The Spro Shake & Bake: Gary Klein's first signature series SPRO lure is the Shake and Bake rattling jig. Built using the new 3/0 EWG superline double hook from Gamakatsu and a free swigning coiled trailer keeper.


"I used the Gamakatsu EWG Double for two reasons. Each arm of the hook sits outside the head of the jig, greatly increasing hook ups. Leaving the hook free swinging takes the leverage away from the fish and ensures that the fish I hook, I catch. The SPRO Shake and Bake is the finest on the Market, period!"

- Gary Klein, Legendary Professional Angler


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Texas Craw



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Cody Meyer



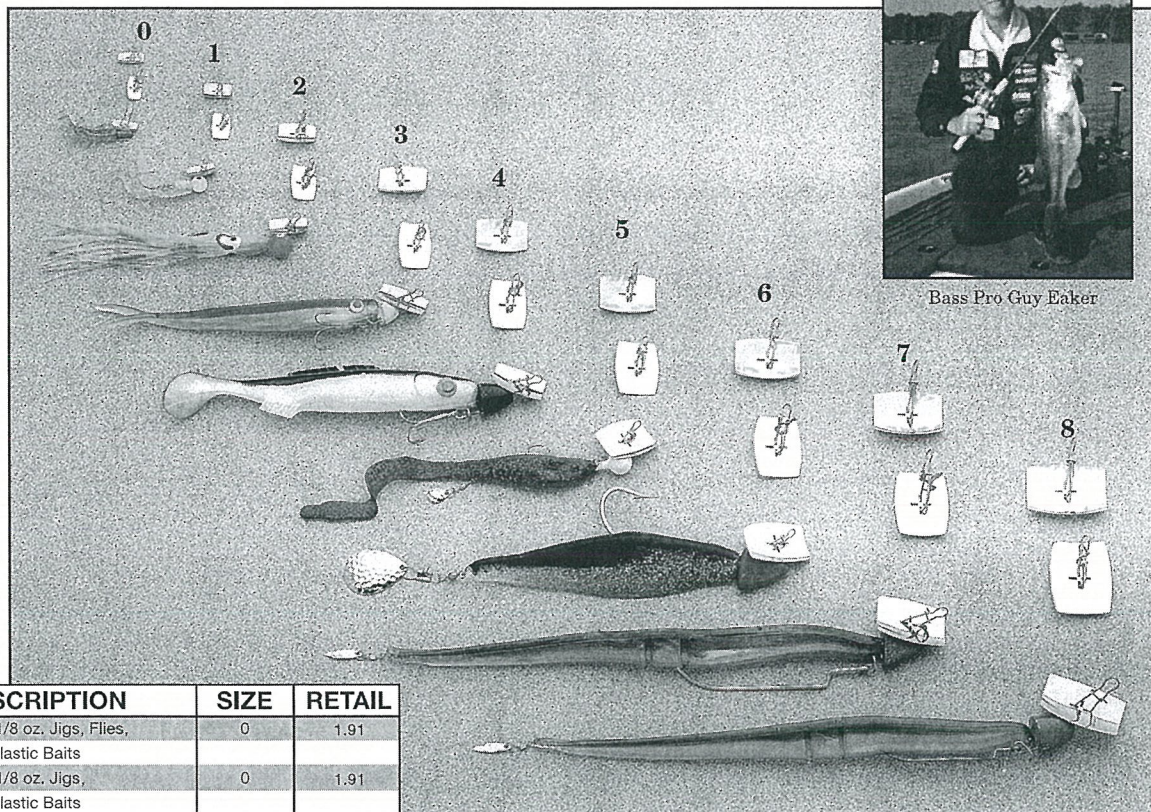




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Eaker Shaker+



Bass Pro Guy Eaker

Baits are not included.

STYLE	DESCRIPTION	SIZE	RETAIL
ESP001	For 1/64 to 1/8 oz. Jigs, Flies,	0	1.91
NICKEL	Small Soft Plastic Baits		
ESP002	For 1/64 to 1/8 oz. Jigs,	0	1.91
BRASS	Small Soft Plastic Baits		
ESP101	For 1/16 to 1/4 oz. Jigs,	1	2.02
NICKEL	Small Soft Plastic Baits		
ESP102	For 1/16 to 1/4 oz. Jigs,	1	2.02
BRASS	Small Soft Plastic Baits		
ESP201	For 1/4 to 1/2 oz. Jigs,	2	2.27
NICKEL	Medium Small Soft Plastic Baits		
ESP202	For 1/4 to 1/2 oz. Jigs,	2	2.27
BRASS	Medium Small Soft Plastic Baits		
ESP301	For 3/8 to 1 oz. Jigs,	3	2.27
NICKEL	Medium to Large Soft Plastic Baits		
ESP302	For 3/8 to 1 oz. Jigs,	3	2.27
BRASS	Medium to Large Soft Plastic Baits		
ESP401	For 1/2 to 1 1/2 oz. Jigs,	4	2.78
NICKEL	Soft Plastic Baits		
ESP402	For 1/2 to 1 1/2 oz. Jigs,	4	2.78
BRASS	Soft Plastic Baits		
ESP501	For 3/4 oz. Jigs,	5	3.79
NICKEL	Soft Plastic Baits		
ESP502	For 3/4 oz. Jigs,	5	3.79
BRASS	Soft Plastic Baits		
ESP601	For 1 oz. Jigs,	6	3.79
NICKEL	Large Soft Plastic Baits		
ESP602	For 1 oz. Jigs	6	3.79
BRASS	Large Soft Plastic Baits		
ESP701	For 1 1/2 oz. Jigs,	7	4.29
NICKEL	Offshore Soft Plastic/Natural Baits		
ESP702	For 1 1/2 oz. Jigs,	7	4.29
BRASS	Offshore Soft Plastic/Natural Baits		
ESP801	For 2 oz. Jigs,	8	4.80
NICKEL	Offshore Soft Plastic/Natural Baits		
ESP802	For 2 oz. Jigs	8	4.80
BRASS	Offshore Soft Plastic/Natural Baits		

IGAST



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COMPARISON OF BLADES BY LENGTH

CHATTERBAIT vs ROCKERHEAD

Bottom lengths are common at 2.0 millimeters.

Other 5 sides are different

CHATTERBLADE

Bottom left and right (2.1 millimeter)

Top left and right (2.0 millimeter)

Widest Point (3.0 millimeter)

Top of blade (1.0 millimeter)

ROCKERBLADE

Bottom left and right (1.4 millimeter)

Top left and right (2.7 millimeter)

Widest Point (2.7 millimeters)

Top of Blade (0.5 millimeters)

Two common inside angles and 4 different angles

